

**RECEIVED  
CENTRAL FAX CENTER**

**SEP 24 2007**

PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0851-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	<b>Docket Number (Optional)</b> <b>AUG 22 2001 0766051</b>
--	---

First named inventor: **David Bruce Kunhyr**Application No.: **09/966,005**Art Unit: **2195**Filed: **Sept 28, 2001**Examiner: **Jennifer N. To**

**Title: A computer Controlled System for Controlling And Tracking of Software Objects Through a Displayed Sequence of Build Events and Enabling User Registration to Perform Action on Serial Build Events**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1,500.00** (37 CFR 1.17(m)) **Please charge this fee and any Additional Fee to PTO Account No 50-3535**

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of **An Amendment** (identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_

☐ is enclosed herewith.

01 FC:1453

1500.00 DA

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).] **SEE ATTACHED STATEMENTS OF Cheryl Work**

**WARNING: and Michele Fitzsimmons**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

J. B. Kraft  
Signature

09/23/07  
Date

J. B. Kraft Attorney  
Typed or printed name

19,226  
Registration Number, if applicable

All Correspondence To  
J. B. KRAFT

(512) 473-2303 or 561-4732  
Telephone Number

710 Colorado St #5C  
HOUSTON TX 77001  
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

09/23/07  
Date

J. B. Kraft  
Signature  
J. B. KRAFT  
Typed or printed name of person signing certificate

**RECEIVED  
CENTRAL FAX CENTER**

SEP 24 2007

PTO/SB/84 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

AU3920010766051

First named inventor: David Bruce KruhlyApplication No.: 09/966,005Art Unit 2195Filed: Sept 23, 2001Examiner: Jennifer N. To

Title: A computer controlled system for controlling and tracking of software objects through a displayed sequence of build events and enabling user registration to perform action on said build events

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)) Please charge this fee and any Additional Fee to PTO Account No 50-3533

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of An Amendment (Identify type of reply):

☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).] **SEE ATTACHED STATEMENTS OF Cheryl Work****WARNING: and Michele Fitzsimmons**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature *J.B. Kraft*09/23/07  
Date*J.B. Kraft Attorney*

Typed or printed name

19,226

Registration Number, if applicable

All Correspondence to  
*J.B. KRAFT*

Address

710 Colorado St #5C  
HOUSTON TX - 78701(512) 473-2303 or 561-4732  
Telephone Number

Address

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.09/23/07  
DateSignature *J.B. Kraft**J.B. KRAFT*  
Typed or printed name of person signing certificate

RECEIVED  
CENTRAL FAX CENTER

SEP 24 2007

PATENT

09/966,005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2127  
: Examiner Jennifer N. Ho  
David B. Kumhyr et al. :  
Serial No. 09/966,005 :  
Filed: 09/28/01 :  
Title: A COMPUTER CONTROLLED :  
DISPLAY SYSTEM FOR :  
CONTROLLING AND TRACKING OF :  
SOFTWARE PROGRAM OBJECTS : Customer No. 53,493  
THROUGH A DISPLAYED SEQUENCE :  
OF BUILD EVENTS AND ENABLING :  
USER REGISTRATION TO PERFORM :  
ACTIONS ON SAID BUILD EVENTS :  
Date: 09/23/07 :

Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT (ITEM 4) ACCOMPANYING PETITION FOR REVIVAL FOR  
PATENT APPLICATION ABANDONED UNINTENTIONALLY 37CFR1.137(b)

I, Cheryl Work, am the Administrative Manager of the  
IPLaw Department of IBM Corporation, 11400 Burnet Rd.,  
Austin TX. 78758.

Upon being advised of the Notice of Abandonment, dated  
July 31, 2007 herein for failure to respond to the Official  
Action mailed April 7, 2006, I investigated the facts, and  
found the following.

All letters and communications addressed to the IPLaw  
Department, in Austin Texas are routinely entered to the IBM  
IPLaw records database and assigned to the appropriate

AUS920010766US1

## PATENT


09/966,005

administrators for attorneys responsible for handling the particular communication.

However, our records indicate that ownership of the present Patent Application was assigned by IBM Corporation to Lenovo (United States) Inc., Durham, NC prior to April 7, 2006.

Consequently, based upon our procedures, the communication (Office Action) of April 7, 2006 would not have been entered into the IPLaw records database. The Office Action would have been mailed to the IPLaw Department of Lenovo, Inc. in Durham, NC.

From this information, I believe that the Office Action dated April 7, 2006 if received in the IPLaw Department of IBM Corporation, Austin, Texas would have been routinely forwarded to the Lenovo IPLaw Department.



Cheryl Work  
IPLaw Dept.  
IBM Corporation  
Austin Texas

AUS920010766US1

RECEIVED  
CENTRAL FAX CENTER

SEP 24 2007

PATENT

09/966,005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2127  
: Examiner Jennifer N. Ho  
David B. Kumbyr et al. :  
Serial No. 09/966,005 :  
Filed: 09/28/01 :  
Title: A COMPUTER CONTROLLED :  
DISPLAY SYSTEM FOR :  
CONTROLLING AND TRACKING OF :  
SOFTWARE PROGRAM OBJECTS : Customer No. 53,493  
THROUGH A DISPLAYED SEQUENCE :  
OF BUILD EVENTS AND ENABLING :  
USER REGISTRATION TO PERFORM :  
ACTIONS ON SAID BUILD EVENTS :  
Date: 09/23/07 :

Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT (ITEM 4) ACCOMPANYING PETITION FOR REVIVAL FOR  
PATENT APPLICATION ABANDONED UNINTENTIONALLY 37CFR1.137(b)

I, Michele Fitzsimmons handle administration of the  
IPLaw Department of Lenovo (United States) Inc., 4401,  
Silicon Dr., Durham NC 27709.

Upon being advised of the Notice of Abandonment, dated  
July 31, 2007 herein for failure to respond to the Official  
Action mailed April 7, 2006, I investigated the facts, and  
found the following.

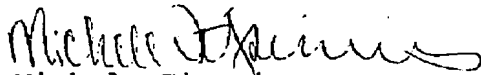
There is no indication in our records that the Official  
Action of April 7, 2006, forwarded from IBM Corp. IPLaw  
Austin Texas, was received at the Lenovo IPLaw Department.

AUS920010766US1

PATENT

09/966,005

Consequently, I must conclude that the subject Official Action was unintentionally lost as a result of miscommunication between IBM Corporation and the Lenovo IPLaw Dept. during the transition of the handling of the present Application from IBM Corporation to the present assignee, Lenovo Inc.



Michele Fitzsimmons  
IPLaw Dept.  
Lenovo Inc.  
Durham NC.

AUS920010766US1